

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANGELO McCLEARY,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-14-754-M
)	
JOHN WHETSEL, Sheriff,)	
)	
Respondent.)	

ORDER

On September 30, 2014, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that the Petition for a Writ of Habeas Corpus be dismissed for lack of jurisdiction or, alternatively, on the grounds of expiration of the statute of limitations and failure to exhaust state court remedies. Additionally, the Magistrate Judge recommended that petitioner's claims for damages be dismissed as barred by the applicable statute of limitations and under *Heck v. Humphrey*, 512 U.S. 477 (1994), and his claim seeking review of a state child custody decision be dismissed for lack of jurisdiction under the *Rooker-Feldman* doctrine. The parties were advised of their right to object to the Report and Recommendation by October 20, 2014. On October 15, 2014, petitioner filed his objections.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 17] issued by the Magistrate Judge on September 30, 2014, and

- (2) DISMISSES the Petition for a Writ of Habeas Corpus for the reasons set forth in the Report and Recommendation.

IT IS SO ORDERED this 24th day of October, 2014.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE